

[The President]

[3rd February 1925]

desired. (Laughter.) I promise to be and to remain, for the future, as I trust I have been in the past, a devoted servant of this House and a faithful guardian of its rights and liberties." (Cheers.)

V

MOTION FOR ADJOURNMENT OF THE BUSINESS OF THE HOUSE
RE EXECUTIVE COUNCIL COMPOSITION.

*Mr. C. V. VENKATARAMANA AYYANGAR :—"Sir, before we proceed to the next business on the agenda, may I formally move the adjournment motion of which I have given notice already?"

*The hon. the PRESIDENT :—"I have the statement of the hon. Member. The hon. Member handed in some time ago to the Secretary a notice of an adjournment motion which he intended to make and he has to-day altered it somewhat:

'Under S.O. 20 I move that the Council be adjourned for the purpose of discussing a definite matter of urgent public importance, viz., the appointment of a third Member of the Executive Council from among persons who are Government officers.'

I have first of all to make up my own mind as to whether the matter proposed to be discussed is in order. Although the subject generally is familiar to the public, perhaps the Government may wish to say something."

*The hon. Mr. C. P. RAMASWAMI AYYAR :—"Mr. President, Sir, with reference to this question let me point out certain statutory difficulties. From the terms of my hon. Friend's motion I see that he desires to discuss this definite matter of general public importance, viz., the action of the Government and of His Excellency the Governor in having appointed a third Member of the Executive Council from among the officials of the Government. I take it also that he wants to present a humble address . . ."

*Mr. C. V. VENKATARAMANA AYYANGAR :—"I may just say that my original motion was to that effect, but it has now been altered a little."

*The hon. Mr. C. P. RAMASWAMI AYYAR :—"All that I have to say on that matter is this. Under the section relating to this matter (section 92) when there is a vacancy in the office of a Member of the Executive Council of a Governor and when there is no successor present on the spot the Governor in Council shall supply the vacancy by appointing a temporary Member of Council. Now, the Governor in Council has moved in the matter and has appointed a temporary Member of Council. The Governor in Council has also issued a communiqué pointing out that the appointment was intended to be and is of a temporary character and it must have been seen by the hon. Members of this House. The next step is this that, until his successor is appointed, the person so appointed shall hold office. Therefore, until, under section 47 of the Government of India Act, His Majesty the King has appointed some one and he has taken upon himself the execution of that office, the temporary Member holds office and nothing can be done even by the Governor in Council against the appointment made under the Statute. In other words, until the successor arrives the person who is appointed should be there and nobody can dislodge him."

*Mr. C. V. VENKATARAMANA AYYANGAR :—"I am surprised to see the hon. the Law Member opposing this motion on the ground that the Government have done something which cannot be revoked. This is an act of the Governor in Council and not of the Governor. That is one point.

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"My next point is that all adjournment motions are made for the purpose of discussing matters of public importance with regard to what the Government have done. In several matters they have passed final orders. The Government in such matters cannot say that they have passed final orders and that those orders cannot be revoked. Therefore, strictly speaking, I am taking my stand on S.O. 20 and the section that has been pointed out by the hon. the Law Member is not applicable to my motion."

*The hon. the PRESIDENT:—"It has been pointed out that it is not within the power of the Government to revoke such appointments."

2-30 p.m. *The hon. Mr. C. P. RAMASWAMI AYYAR:—"I thought the hon. Member from Coimbatore had caught the drift of my remarks. It has been ruled that anything cannot be the subject matter of a motion of this kind, but only what can be brought as a resolution. Considering that Government cannot revoke this appointment even if they have a desire to do so under a resolution which should be according to our rule something in the form of a recommendation, I said that this adjournment motion was not in order. That was what I said. Moreover in view of what I said, this cannot be an urgent matter as the present nominee is bound to continue."

*Mr. C. V. VENKATARAMANA AYYANGAR:—"This motion is made only with a view to express the feeling of the House with regard to the action of the Government in this matter. As for the other thing whether this appointment can be revoked or not, we have nothing to do. There are a number of things on which this Council have expressed their views but on which the Government have taken no action. All these motions are supposed to have reference to future. This motion only informs the Government what the view of the Council is on this matter. Therefore, Sir, what the Government can or cannot do by virtue of this motion has nothing to do with us."

*The hon. Sir ARTHUR KNAPP:—"May I suggest another consideration? It appears to me from what the hon. the Law Member has pointed out that nothing can be done at present as the result of this motion. If it is accepted that nothing can be done at present, I cannot understand how the hon. Member treats this question as a matter of urgent public importance. Unless the hon. Member anticipates that another vacancy among the non-official Members of His Excellency's Council will occur in the near future, I cannot see any urgency at all in this matter."

*Mr. C. V. VENKATARAMANA AYYANGAR:—"Do Government say that this temporary vacancy cannot cease? If they accept our recommendation, the temporary vacancy can cease."

The hon. Sir ARTHUR KNAPP:—"No, it cannot cease."

*Mr. C. V. VENKATARAMANA AYYANGAR:—"The appointment will cease if no person is appointed to that place. The Government say there was no other proper person to take up that place and now that it has been filled up there is no urgency about it. Well, they may apply to the Secretary of State and have a proper person appointed. Apart from other questions as to the merit, I do not think that on the ground of order this can be overruled."

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* The hon. the PRESIDENT :—" I am much obliged for the opinions that have been expressed. I have frequently demanded that an adjournment motion should be equivalent to some resolution. In this case it has been pointed out by the hon. the Law Member that the equivalent resolution cannot be that the Governor in Council do revoke the appointment which has been made. But the hon. Member from Coimbatore says that he would be equally satisfied if Government were to accept as an equivalent resolution that they would not make such appointments in future. As regards urgency it more or less depends on the importance attached by the public to the particular question before the House. I think that on the whole, so far as I am concerned, the matter must be held to be in order, subject to anything which His Excellency may decide. I have read the statement to the Council and I have now to ask whether the hon. Member has the leave of the House to make his motion."

Rai Bahadur T. M. NARASIMHACHARLU :—" I wish to raise a point of order. Sir, I want to know whether we shall be in order in continuing the discussion on this question. The discussion must have begun at 2-30 p.m. on the same day."

* The hon. the PRESIDENT :—" It is physically impossible to begin the discussion at 2-30 p.m. to-day. We can have it the next day."

"Does anybody object to this motion?"

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I object to it."

* The hon. the PRESIDENT :—" Objection having been taken, I ask those hon. Members who support this motion to rise in their places."

Some Members having stood in their places, the PRESIDENT said :—" There are certainly more than twenty Members; the rule says :

' If twenty or more Members rise accordingly, the President shall intimate that the motion will be taken up either the same day or the next day.

" I rule that it will be taken up at 2-30 p.m. to-morrow."

Rai Bahadur T. M. NARASIMHACHARLU :—" Shall I be in order in moving my motion for adjournment?"

* The hon. the PRESIDENT :—" Not now. But perhaps the hon. Member wishes to have precedence to-morrow."

Rai Bahadur T. M. NARASIMHACHARLU :—" Shall I move it the day after to-morrow?"

* The hon. the PRESIDENT :—" I think it will be open to the hon. Member to make his motion after question time to-morrow, and it will be taken up the day after to-morrow."

VI

PANEL OF CHAIRMEN.

* The hon. the PRESIDENT :—" I have to inform the House that, under rule 3 of the Legislative Council Rules, I have appointed the following four gentlemen to be a panel of Chairmen for this session :—

Mr. A. Ramaswami Mudaliyar.

Sriman Sasibhushan Rath Mahasayo.

Khan Bahadur Haji Abdullah Haji Qasim Sahib.

Rai Bahadur T. M. Narasimhaacharlu."